

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JANUARY 18, 2005
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Acting Chief Rob Carter and Invocation was given by Mr. Frank Hudson.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Tom Smith
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Bob Wehba
Councilman Justin Frisbie
Councilman Barry Curl
Councilwoman Nancy Olson

ABSENT

Councilman Mike Gossman

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Mike Turman, City Inspector
Bob Jernigan, City Attorney (arrived at 7:25 p.m.)
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. Mayor's State of the City address.

The Mayor gave a State of the City address and a copy of the address is attached and made a part of the minutes.
3. Questions and Comments from Warr Acres Residents.

There were no request to speak before the council.
4. Recess to enter into the Warr Acres Economic Development Authority Meeting.

Motion by Frisbie, second by Smith to recess the council meeting to enter into the Economic Development meeting. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Convene as Warr Acres Economic Development Authority.

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of November 16, 2004 and Special Meeting of December 21, 2004. ****

Motion by Curl, second by Frisbie to approve the minutes of the December 21, 2004 meeting. Poll vote: Alexander, abstain; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

Motion by Curl, second by Alexander to approve the minutes of the November 16, 2004 meeting. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

2. Approval to pay claims totaling \$7,109.47. ****

Motion by Owens, second by Alexander to approve the payment of the claims. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Discussion and possible action on development proposals and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Bob Jernigan arrived at the meeting at 7:25 p.m.

Trustee Curl asked if it was prohibited for developers to sit in on executive session. Mr. Jernigan stated that he was thinking of another executive session where they are not allowed and that would be the purchase of property.

Motion by Owens, second by Alexander to enter into executive session with Mr. Cory Warr, Mr. T. Ray Phillips, Mr. Richard Farris, Mr. Neil Buss, and Mr. Wiley Rice staying. Poll vote: Alexander, yea; Owens, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

The trust entered into executive session at 7:29 p.m. The trust returned to open session at 8:41 p.m. With no formal action taken. Staff and Attorney directed to proceed as directed in executive session.

4. Adjournment of the Warr Acres Economic Development Authority Meeting.
5. Reconvene City Council Meeting.

The council reconvened at 8:42 p.m.

6. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.
 - A. Approval of Expenditures – General Fund \$ 20,955.14 ****
 - B. Approval of Proposed Expenditures for January. ****
 - C. Approval of Supplemental Appropriation in the amount \$3,250 from donated monies for the fire department from Wal Mart and Sam's.
 - D. Approval of a Cooperative Technical Partners memorandum of agreement with FEMA for updating of flood plain maps in Warr Acres and Oklahoma County. ****

Councilman Wehba asked to pull items A, C and D for discussion.

Motion by Frisbie, second by Curl to approve item B. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

7. Discussion and possible action on items removed from the consent docket.

Councilman Wehba wanted explanation of a claim for Carolyn Caudill, Oklahoma County re-evaluation of ad valorem. Clerk Ramirez stated that this is the fee charged for the collection of the ad valorem taxes. He also asked about a claim for Margaret McMorrow-Love and what it was for. Clerk Ramirez handed Councilman Wehba the claim for his review it was for \$808.50. Bob Jernigan stated that he thought it was on the Overtime issue and the Mayor stated the same.

Motion by Owens, second by Alexander to approve item A. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Councilman Wehba asked where the paperwork trail was since there was nothing in the packet. He did not believe there was a paperwork trail. Clerk Ramirez stated that it is all documented and kept track of in the computer. The old forms that had to have several council members signatures were under the old budget law. She also stated that the forms that are typed up and sent to the State Auditor will be done after the approval and include the approval date and vote.

Councilman Wehba asked the Attorney if he thought this was right. Mr. Jernigan stated that there was a paper trail by way of the money being deposited and accounted for in the computer as revenue and now the council approval to appropriate and recorded in the minutes.

Motion by Frisbie, second by Olson to approve item C. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Councilman Wehba asked if this item was what he and Chief Carter had discussed. Chief Carter stated that it was different. Councilman Wehba asked how much this was going to cost the city. Mr. Barrett stated that it was an agreement with FEMA to update the flood plain maps with cooperation from the city and there would be no charge to the city. Councilman Wehba asked if this was going to cause insurance rates to rise. Mr. Barrett stated that in some cases property might now be determined to be in a flood plain when it was not before and vice versa.

Motion by Smith, second by Olson to approve item D. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner. ****

Chief Patty-the recent report that showed the city's crime rate increase was mostly due to gas drive offs. There are still some companies that refuse to enforce the pre-paid cards on gas. If you take the gas drive offs out of the picture it would stand at 59%. All other areas are in good shape the gas drive off is what made it look so bad.

Chief Carter-asked for input from the council on what they would like to see in his monthly reports and annual report. Councilwoman Owens mentioned the memo stopping any future slides down the fire pole. She said that the city is unique and thinks the slides down the pole should be allowed and something should be put in place for the future to allow slides. Chief Carter stated that for 20 years there was never a problem.

Inspector Turman-said that he was attending Flood Plain classes last week and this must be done annually to keep the city in good standing.

Councilwoman Owens asked Street Supervisor Dickson about a stop sign that had been removed from Woodcreek. The Mayor stated yes it had been removed and had gone before the Traffic Commission.

Engineer Barrett-said that he still did not have anything to report on a possible refund or payment on the Ann Arbor project. Councilman Wehba asked where the \$60,000 figure came from and Mr. Barrett stated that it was based on an agreement between OKC and Warr Acres. Mr. Barrett also stated that DEQ should have the stormwater permit approved in February or March and then the city will have 90 days to come up with a plan.

Planner Rice-said the questionnaire surveys are at the mail house and will go out soon. A copy of the survey was handed out to all council members. Councilwoman Owens encouraged all residents to fill the survey out and return them to City Hall.

9. Public Hearing and possible action on raising the Garbage rates to insure that the rates will provide adequate revenue to allow proper funding and allow for the purchase of replacement equipment to appropriately run the Sanitation department and directing the Attorney to draft an Ordinance reflecting such changes. ****

Councilwoman Owens stated that Councilman Gossman was unable to attend the meeting so she would try and discuss this issue. She stated that she had spoken with Councilman Wehba and they wanted to look at the revenue vs. cost and commercial vs. residential to address past concerns. She stated that in the past

they did not have figures to look at and they needed to know if enough money was brought in to put in reserve for the purchase of equipment. Councilman Frisbie stated that the commercial is supporting the residential and we need the truck for commercial. Councilman Wehba asked if the apartments were paying their fair share. Sanitation Supervisor Hayes told the council that apartments are charged commercial rates except for a few small complexes and they are charged residential. Councilman Wehba asked if that was the proper way to charge if they should be commercial or residential. Councilman Frisbie stated that apartments are picked up using one truck and one driver there are not carriers going door to door. Councilman Wehba stated that he thought the apartments should carry more of the load and asked if it would be a bad thing to get rid of apartment service all together. Councilman Frisbie stated yes it would be very bad, you would then really need to raise the residential rates to cover cost. He also said that the best option on the truck purchase is the back end lease so it gives them longer to make a decision on the rates. Councilman Wehba agreed that the back end lease was the best option and gave them more time. He stated that in the survey that was sent out to the residents they had mentioned a possible 50 cent increase and now they are discussing much more. Councilwoman Owens stated that roughly it looked like they would need to be increased by \$2.75 to cover expenses. Councilman Wehba stated that they had only told people the possible increase would be a small amount. Councilman Curl stated that as more businesses move in then the commercial will go up. Councilwoman Owens stated that every other utility makes money and all the city wants to do is break even. Councilman Wehba stated that they are discussing \$2.75 and then there will be the stormwater fee on top of that so the residents could be looking at a \$5.00 increase and cautioned the council to look at what they would be doing to the citizens if they do both. Councilwoman Owens asked if the city wanted the utility to pay for itself or not. The Mayor stated that if they go with the higher rate then they would not have to come back in six months and raise it again. Councilman Wehba asked if they intended to keep both old trucks. Councilman Curl stated that after they get the new truck they would have time to make the needed repairs. Mr. Hayes stated they will use one for parts to make the needed repairs to the other.

Motion by Wehba, second by Frisbie to continue this item to the February 1, 2005 meeting. Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

10. Discussion and possible action the appropriation of funds, and the purchase agreement and terms of a new Front-end loader Sanitation truck. ****

Motion by Frisbie, second by Curl to appropriate funds in the amount of \$22,386.65 and to go with the agreement for 3 years at 4.47% with the \$1 buy out

and the first payment made in arrears. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

11. Final Public Hearing, discussion and possible action on the Planning Commissions recommendation concerning possible changes to Title 19 and directing the Attorney to draft an Ordinance reflecting such changes. *Gossman* ****

Councilman Wehba thinks lots of work needs to be done before an Ordinance can be drawn up. Bob Carter stated that several months ago the issue of removing several items from the Planning Commissions approval was brought up. He stated that he has created a matrix working with the City Engineer showing all issues under each zoning district and who would need to give their approve on each issue. He said that the Planning Commission would hear use subject to review. Bob Jernigan and Bob Carter will work together to draft the Ordinance it will go back to the Planning Commission for approval and that there would be two Ordinances presented to the Council. One would show all what was added and taken out. He said that with the Staff now there is no doubt that items can be handled without any problems this was not the case in the past. Councilman Curl stated that this was the most complete and comprehensive report ever and Mr. Carter did a great job on it. Councilwoman Owens asked if there were any plans to switch to the International Code from BOCA. She was told that this needed to be done first and then they would check for any conflicts and work those out. Councilwoman Owens asked Inspector Turman if he was comfortable with the changes since he would be approving so many of the items and he stated that he was. The Mayor thanked Mr. Carter and the entire Title 19 Committee on the great job they did.

Motion by Curl, second by Alexander to close the Public Hearing. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Wehba, second by Curl to accept the recommendations on possible changes to Title 19 and direct the city attorney to draft an Ordinance reflecting such changes when this is completed. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

12. A. Discussion and possible action on an Ordinance pertaining to gated access properties. *Owens* ****
- B. Approval of the emergency clause.

Councilwoman Owens said this issue was brought to her attention because of a safety issue of a friend. She stated that in talking to Chief Carter on the issue he mentioned that the use of Knox lock boxes. Councilman Wehba asked how the permit process would be set up and if this needed to go before the Traffic Commission. Councilwoman Owens stated that this was for private property not city streets. Councilman Wehba stated that traffic would get backed up waiting for the gates to open. Chief Patty said that they don't really know what will happen since there are not any currently. Councilman Wehba said that the permit should state that they meet all requirements or no permit will be issued. Wiley Rice said that Edmond has a 80 foot queing and 4 car length lane and the city could take a look at something like that. Councilman Alexander said that there is a place on Meridian that there is no where for people to get off the street. Councilman Wehba stated that everything needed to spelled out in the Ordinance. He also stated that applicants should supply plot plans, queing, feet set back from street, and a cross over lane. Councilwoman Owens asked all the council to please provide the needed input now so that the changes can be made and the Ordinance can be approved at the next meeting. Wiley Rice stated that if this passes then properties that already have gates would need to be brought up to code. Bob Jernigan stated that there needed to be a penalty included for non-functioning gates. The Ordinance needs to include the set back, plot plan, turn around and time to comply.

Motion by Owens, second by Wehba to continue items 12 and 13 to the February 1, 2005 meeting. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

13. A. Discussion and possible action on an Ordinance pertaining to inspections, entry powers, and investigations of gated access properties. *Owens* ****
- B. Approval of the emergency clause.

Moot.

Item 16 was heard before Items 14 and 15.

14. Discussion and possible action on a Tort Claim, recommendation of the city's insurance carrier OMAG was to deny, submitted by Jo Hansen on behalf of her daughter Kennedy Hansen, who is a minor, for an injury she sustained when sliding down the fire pole; and possibly entering into executive session as allowed under 25 O.S. Supp 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action in the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a

pending investigation, litigation, or proceeding in the public interest. *Jernigan*

15. Discussion and possible action on a Tort Claim submitted by Dr. Alvin Philipose for temporary signs that were removed by the City Inspector; and possibly entering into executive session as allowed under 25 O.S. Supp 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action in the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. *Jernigan* ****

Motion by Wehba, second by Owens to enter into executive session on items 14 and 15 with Chief Carter to stay for item 14 and Sgt. Boggess, Chief Patty and Mike Turman to stay for item 15. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The council entered into executive session at 10:20 p.m.

The council returned to open session at 11:02 p.m. **WITH NO ACTION TAKEN.**

Motion by Owens, second by Wehba to continue item 14 until the attorney could obtain more information. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, nay; Curl, nay; Smith, nay; Olson, nay; and Tardibono, nay.

Motion Failed.

Motion by Smith, second by Frisbie to deny the claim submitted by Jo Hansen. Poll vote: Alexander, nay; Owens, nay; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

Motion by Curl, second by Alexander to approve paying \$519.80 on the claim submitted by Dr. Philipose. Poll vote: Alexander, yea; Owens, yea; Wehba, nay; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

16. Questions and comments from Council members.

This item was heard before item 14.

Councilman Alexander-said he was just happy to be there.

Councilman Wehba-stated that OML would be holding a seminar on “How to Hold Your Own Election” and he felt that a couple of people from the city hall should go and he said that he would go. He said that the city really needed to check into holding their own elections to take back control of the polling places and keep the voters in the city limits. The Mayor stated that she and Clerk Ramirez were going. Bob Jernigan also stated that he would attend.

Councilman Smith-thanked Mr. Robert Carter for the great job he did on the Title 19 Matrix.

Councilwoman Olson-stated that if there are questions about items on the Consent Docket the member with the questions should come to City Hall and ask the questions before the meetings to save time in the meetings.

17. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

18. Adjournment.

Motion by Curl, second by Alexander to adjourn. The meeting was adjourned at 11:07 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk